

September 16, 2024

**Via ECF**

Hon. Victoria Reznik  
United States District Court  
Southern District of New York  
300 Quarropas St.  
White Plains, NY 10601

Re: *Melville v. HOP Energy, LLC*, No. 21 Civ. 10406 (KMK) (VR)  
*Mullaney et al v. HOP Energy, LLC*, No. 23 Civ. 7318 (KMK) (VR)

Dear Judge Reznik,

We write as Interim Class Counsel to update the Court regarding the status of deposition scheduling in this matter and to alert the Court of a potential near-term scheduling issue.

As the Court is aware, the evening before the July 17 status conference originally regarding deposition scheduling and HOP's document production, HOP surprised Plaintiffs by announcing that it believed it had just settled this case via a separate litigation (*Callery*) and that it would be seeking to indefinitely stay this case pending settlement approval in *Callery*. *Melville* ECF No. 132. At the July 17 conference, the Court directed that "[a]lthough depositions do not need to be taken while the stay motion is being briefed," the parties should "get deposition dates on the calendar." ECF No. 133, July 17, 2024, Minute Entry.

The Court also advised that it would generously prioritize ruling on HOP's stay motion, stating "I will do everything in my power to get an answer to the parties on the motion very quickly, so it doesn't undermine the whole purpose of seeking a stay to begin with, so that you'll know either way." ECF No. 160, July 17, 2024 Hr'g Tr. 31:3-7.

Plaintiffs are pleased to report that as of last Friday (September 13) the parties have now scheduled six of the ten depositions contemplated in this matter. Depositions are set to begin in ten days on September 26 and are expected to proceed apace through the end October. HOP's stay motion was also fully briefed as of August 30, *see* ECF Nos. 157–58 (Plaintiffs' sur-reply), and Plaintiffs' contempt order to show cause was filed on August 1, *see* ECF Nos. 138–41.

Interim Class Counsel bring these dates to the Court's attention because, as the Court has recognized, it is in all parties' interests to have these issues resolved as expeditiously as possible so the case can proceed in the ordinary course. Interim Class Counsel are prepared and eager to continue zealously litigating this case to obtain the best outcomes for the Proposed Classes and welcomes the Court's guidance on the stay and contempt matters.

Interim Class Counsel are aware of the demands on the Court's resources and are grateful for the attention the Court has given and continues to give to this matter.

Respectfully submitted,

**WITTELS MCINTURFF PALIKOVIC**

By: /s/ J. Burkett McInturff

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